

Fact Sheet
April 2002

Manifest Discrepancy Reporting



MANAGING HAZARDOUS WASTE

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



Introduction

Emergency regulations governing hazardous waste manifest discrepancy reporting take effect April 4, 2002. The provisions affect hazardous waste treatment, storage, and disposal facilities (TSDFs) receiving wastes from offsite locations. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has prepared this fact sheet to inform TSDF owners and operators of the new requirements.

The emergency regulations implement more stringent standards for reporting unresolved manifest discrepancies for wastes that hold potential for uses as weapons of terror. The new requirements apply to explosive and poisonous wastes, classified by the U.S. Department of Transportation (U.S. DOT) under Code of Federal Regulations, title 49, as hazard division 1.1 through 1.6, and hazard division 6.1, respectively.

For all other types of hazardous waste, the current unresolved manifest discrepancy reporting procedure remains in place, but addresses are provided so that all reports are mailed to the DTSC complaint coordinators. Manifest discrepancies that are reconciled within the allowed time frame need not be reported to DTSC.

Reporting Priority Discrepancies

A priority discrepancy, which applies only to explosive and poisonous wastes, is any variation in weight greater than one percent for bulk waste, or any variation in container count or type of a hazardous waste.

Under the new reporting procedure, TSDF owners or operators have 24 hours to reconcile a priority manifest discrepancy with the hazardous waste generator or transporter. If they cannot resolve the discrepancy, the owner or operator must report the unresolved priority discrepancy to the DTSC complaint duty officers by calling the complaint hotline at 800-69-TOXIC (800-698-6942) within 24 hours after discovery. [California Code of Regulations (Cal. Code Regs.), title 22, sections 66264.72 and 66265.72.]

Additionally, the owner or operator must follow up by submitting a letter to DTSC within five days after discovery of the unresolved priority discrepancy. The letter should include the information specified in subsection (d) of sections 66264.72 and 66265.72. Mail the discrepancy letter to the DTSC complaint coordinator in either the Northern California or Glendale regional office.

Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, and Imperial must submit a letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web site at www.dtsc.ca.gov.

Owners or operators of facilities located in any other county must submit a letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3268.

Reporting Significant Manifest Discrepancies

A significant discrepancy, which applies to all hazardous wastes other than explosive and poisonous wastes, is any variation in weight greater than ten percent for bulk waste, or any variation in container count or type of a hazardous waste.

TSDF owners or operators have 15 days to reconcile a significant manifest discrepancy with the hazardous waste generator or transporter. If they cannot resolve the discrepancy, the owner or operator must notify DTSC in writing, within 15 days after receiving the shipment. The letter should describe the discrepancy and attempts to reconcile it, and include a copy of the manifest or shipping paper at issue. Mail the discrepancy letter to the DTSC complaint coordinator in either the Northern California or Glendale regional office.

Definitions

“**Manifest discrepancy**” is general language that defines a variation between the waste listed on the manifest of shipping paper and the waste actually received by a facility. (Cal. Code Regs., tit. 22, § 66264.72 and 66265.72(a).)

“**Priority discrepancy**” is a variation in weight greater than one percent for bulk waste, any variation in piece count for containerized waste, or any variation in the type of waste, where the waste is an explosive or poisonous material. (Cal. Code Regs., tit. 22, § 66264.72 and 66265.72(c).)

“**Significant discrepancy**” is a variation in weight greater than 10 percent for bulk waste, any variation in piece count for containerized waste, or any variation in the type of waste, where the waste is not an explosive or poisonous material. (Cal. Code Regs., tit. 22, § 66264.72 and 66265.72(a).)

“**Explosive wastes**” refers to wastes that are primarily composed of, or exhibit the characteristics of explosive materials, as defined by the U.S. Department of Transportation under 49 C.F.R. §173.50. Examples of such materials include: dinitrophenol

(dry); dinitroresorcinol (dry); flash powder. (For a complete listing, please refer to 49 C.F.R., § 172.101, Hazardous Materials Table). (Cal. Code Regs., tit. 22, § 66264.72 and 66265.72(f).)

“**Poisonous materials**” refers to wastes that are primarily composed of, or exhibit the characteristics of poisonous materials, as defined by the U.S. DOT under 49 Code of Federal Regulations section 173.132. Examples of such materials include: cyanide solutions; dichloroethane; nitrobenzenes; hexachlorobenzene; phenol solutions. (For a complete listing, please refer to 49 C.F.R. §172.101, Hazardous Materials Table). (Cal. Code Regs., tit. 22, § 66264.72 and 66265.72(f).)

Disclaimer

This fact sheet provides general information about emergency regulations governing the reporting of unresolved manifest discrepancies for explosive and poisonous wastes. Consult the actual regulations before making any decisions that may impact regulatory compliance.

Questions

For questions related to the reporting of unresolved manifest discrepancies, please contact the Environmental and Business Assistance Hotline by calling 800-72-TOXIC (800-728-6942). All other TSDF questions should be directed to the nearest DTSC office.

The text of the regulations and related information is available on DTSC’s web site located at <http://www.dtsc.ca.gov>

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For more information, please contact the DTSC office nearest you, or call the regional Public and Business Liaisons at (800) 72TOXIC (1-800-728-6942) or visit www.dtsc.ca.gov.

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